
Introduced by Senator Block

February 21, 2013

An act to amend Sections 6204, 12153, 12227, and 12228 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 479, as introduced, Block. Keeper of the Archives: name change.

Existing law requires the Secretary of State to appoint a competent person to the position of Keeper of the Archives. Existing law specifies that the Keeper of the Archives is responsible for the preservation and indexing of material deposited in the State Archives, and shall make the material readily available for use.

This bill would change the name of the Keeper of the Archives to the Chief of Archives.

This bill would also make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6204 of the Government Code is amended
- 2 to read:
- 3 6204. (a) For purposes of this chapter, the following definitions
- 4 shall apply:
- 5 (1) "Archivist" means the ~~Keeper~~ *Chief* of ~~the~~ Archives, as
- 6 specified in Section 12227.
- 7 (2) "Record" has the same meaning as "public records" is
- 8 defined in subdivision (e) of Section 6252, and includes, but is not

1 limited to, any writing containing information relating to the
2 conduct of the public's business prepared, owned, used, or retained
3 by a state or local agency regardless of physical form or
4 characteristics.

5 (3) "Secretary" means the Secretary of State.

6 (b) Whenever the secretary, in consultation with the archivist,
7 has reasonable grounds to believe that a record belonging to the
8 state or a local agency is in the possession of a person, organization,
9 or institution not authorized by law to possess those records, the
10 secretary may issue a written notice demanding that person,
11 organization, or institution to do either of the following within 20
12 calendar days of receiving the notice:

13 (1) Return the record to the appropriate state or local agency.

14 (2) Respond in writing and declare why the record does not
15 belong to the state or a local agency.

16 (c) The notice and demand issued pursuant to subdivision (b)
17 shall identify the record claimed to belong to the state or local
18 agency with reasonable specificity, and shall state that the secretary
19 is authorized to take legal action to recover the record if the person,
20 organization, or institution fails to respond in writing within the
21 required time or does not adequately demonstrate that the record
22 does not belong to the state or a local agency.

23 (d) The secretary shall send the notice and demand specified in
24 subdivision (b) by certified or registered mail, return receipt
25 requested.

26 (e) When a record is returned pursuant to paragraph (1) of
27 subdivision (b), upon the request of the person, organization, or
28 institution that returned the record, the secretary or a local agency
29 that receives the record shall issue to that person, organization, or
30 institution a copy or digital image of the record, which shall be
31 certified as a true copy of the record that was returned to the state
32 or local agency, and dated on the same day the record was returned.

33 SEC. 2. Section 12153 of the Government Code is amended
34 to read:

35 12153. The Secretary of State shall appoint a competent person
36 to the position of ~~Keeper~~ *Chief* of the Archives.

37 In case of his *or her* absence or inability to perform the duties
38 of his *or her* position, the Secretary of State shall designate some
39 other competent person to act in his *or her* place.

1 SEC. 3. Section 12227 of the Government Code is amended
2 to read:

3 12227. The ~~Keeper~~ *Chief* of the Archives is responsible for the
4 preservation and indexing of material deposited in the State
5 ~~archives~~ *Archives*, and shall make the material readily available
6 for use.

7 SEC. 4. Section 12228 of the Government Code is amended
8 to read:

9 12228. The ~~Keeper~~ *Chief* of the Archives shall give an
10 appropriate receipt for all material received by him *or her* as a part
11 of the archives.